

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

LARRY D. DAVIS, SR.,

Plaintiff,

v.

1:16-cv-1146-WSD

BARBARA BINION BEARD,

Defendant.

OPINION AND ORDER

On April 27, 2016, the Court entered an order [5] (“April 27th Order”) requiring Plaintiff Larry D. Davis, Sr. (“Plaintiff”) to file, on or before May 9, 2016, an Amended Complaint alleging whether the Court has diversity jurisdiction over this matter. In its April 27th Order, the Court noted that it is required to dismiss this action unless Plaintiff provides the required supplement alleging sufficient facts to show the Court’s jurisdiction. (April 27th Order at 6 (citing Travaglio v. Am. Express Co., 735 F.3d 1266, 1268-69 (11th Cir. 2013))). The Court also cautioned Plaintiff that failure to comply with its April 27th Order will result in dismissal of this action pursuant to Local Rule 41.3(A)(2), NDGa. (Id.).

Plaintiff has not filed an Amended Complaint, and has not otherwise taken any action in this matter.

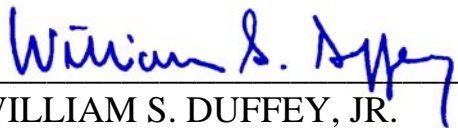
Under Local Rule 41.3(A)(2), “[t]he court may, with or without notice to the parties, dismiss a civil case for want of prosecution if: . . . [a] plaintiff . . . shall, after notice, . . . fail or refuse to obey a lawful order of the court in the case.” LR 41.3(A)(2), NDGa.

Plaintiff failed to comply with the Court’s April 27th Order after being advised that failure to comply will result in dismissal of this action. Accordingly, this action is dismissed pursuant to Local Rule 41.3(A)(2).¹

For the foregoing reasons,

IT IS HEREBY ORDERED that this action is dismissed pursuant to Local Rule 41.3(A)(2) for failure to comply with a lawful order of the Court.

SO ORDERED this 13th day of May, 2016.



WILLIAM S. DUFFEY, JR.
UNITED STATES DISTRICT JUDGE

¹ Dismissal also is required because Plaintiff did not meet his burden to show the Court has jurisdiction over this action. (See April 27th Order at 5-6); Travaglio, 735 F.3d at 1268-69 (holding that a district court must dismiss an action for lack of subject matter jurisdiction unless the pleadings or record evidence establish jurisdiction).